Supreme Court, U.S.
FILED
NOV 14 2008
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No. 08-614

In The

Supreme Court Of The United States

QWEST COMMUNICATIONS INTERNATIONAL, INC.; JOHN A. MCMASTER; ROBERT S. WOODRUFF; JOSEPH P. NACCHIO,
Respondents/Cross-Petitioners,

v.

MARCEL WINDT; E.T. MEIJER, IN THEIR CAPACITY AS TRUSTEES IN BANKRUPTCY FOR KPNQWEST, N.V.,
Petitioners/Cross-Respondents.

On Conditional Cross-Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit

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OPPOSITION OF PETITIONERS/CROSS-RESPONDENTS TO CONDITIONAL CROSS-PETITION FOR WRIT OF CERTIORARI

Clifton S. Elgarten
Counsel of Record
Richard McMillan, Jr.
Daniel W. Wolff
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, D.C. 20004
(202) 624-2500

Counsel for Petitioners/Cross-Respondents

ARGUMENT

The conditional cross-petition for writ of certiorari is unnecessary.

Respondents/Cross-Petitioners ask that if this Court grants the petition for writ of certiorari in No. 08-439 and reverses the judgment of the Court of Appeals, as requested by Petitioners, the Court then direct that their cross-appeal (on their motion to compel arbitration, which was denied by the district court) be addressed by the Third Circuit. But the relief Respondents/Cross-Petitioners seek is not dependent on this Court granting their conditional cross-petition. A ruling in favor of Petitioners in No. 08-439 will result in a remand to the Third Circuit for further proceedings consistent with this Court's opinion. At that point, Respondents/Cross-Petitioners would be free to seek whatever further relief they may be entitled to from the Third Circuit.

CONCLUSION

The conditional cross-petition for writ of certiorari should be denied.

Respectfully submitted,

Clifton S. Elgarten
Counsel of Record
Richard McMillan, Jr.
Daniel W. Wolff
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, D.C. 20004
(202) 624-2500

November 2008

Counsel for Cross-Respondents